



undersigned will conduct an initial pretrial conference as provided by Local Rules of Civil Procedure 16.1(G). As provided by this Rule, counsel for all parties must appear in person at the initial pretrial conference.

In regard to the document attached to the Joint Rule 26(f) Report (#7-1), the filing of this document does not comply with Local Rule of Civil Procedure 7.1 which requires that all motions be made in writing and filed as provided by Local Rule of Civil Procedure 5.2(C) and state with particularity the grounds for the motion and shall set forth the relief or order sought. Pending the presentation of such a motion requesting the entry of a protective order, the Court will order that the Confidentiality Agreement & Protective Order (#7-1) be stricken from the file in this matter.

28 U.S.C. § 1447(b) provides that the Court may require the removing party to file with the Clerk, copies of all records and proceedings in the state court. As stated above, the file in this matter does not show that Defendant has ever filed an Answer nor does the file show there is diversity jurisdiction. The Court will direct that Defendant obtain a certified copy of all documents filed in the state court file entitled “Suttles Surveying, P.A. v. Peerless Indemnity Insurance Company, Matthew Wilburn and Blair Mitchell Helms”, File No. 13 CVS 583 located in the Office of the Clerk of Superior Court of McDowell County and shall file those

documents on or before April 16, 2014.

**ORDER**

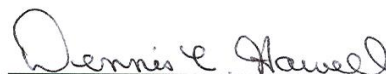
**IT IS, THEREFORE, ORDERED:**

1. That an initial pretrial conference be held in this matter with the Court as provided by LCvR 16.1(g) on **April 25, 2014 at 2:00 p.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina. Counsel for all parties must appear in person;

2. That the Clerk is hereby **ORDERED** to strike from the file in this matter, the Confidentiality Agreement & Protective Order (#7-1) for failure of the parties to comply with LCvR 7.1(A); and

3. That pursuant to 28 U.S.C. § 1447(b), the Defendant, being the removing party, is required to file with the Clerk of this Court on or before April 16, 2014 a **certified** copy of all records and proceedings as contained in the file entitled “Suttles Surveying, P.A. v. Peerless Indemnity Insurance Company, Matthew Wilburn and Blair Mitchell Helms”, File No. 13 CVS 583, located in the Office of the Clerk of Superior Court of McDowell County, North Carolina.

Signed: April 9, 2014



Dennis L. Howell  
United States Magistrate Judge

